

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

STEPHEN DELIEFDE

PLAINTIFF

VS.

NO. 19-30

ERIKA L. NIXON, INDIVIDUALLY AND
AS AN EMPLOYEE AND AGENT OF GREYHOUND
LINES, INCORPORATED; GREYHOUND LINES,
INCORPORATED; AND JOHN DOES 1-10

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: C T Corporation System, Registered Agent
Greyhound Lines, Incorporated
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

NOTICE TO DEFENDANT

THE COMPLAINT AND DISCOVERY, WHICH IS ATTACHED TO THIS SUMMONS, IS
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint and Plaintiff's
First Set of Interrogatories and Request for Production of Documents to Seth Little, the attorney for the Plaintiff,
whose address is Schwartz & Associates, P.A., Post Office Box 3949, Jackson, Mississippi 39207-3949.

Your response must be mailed or delivered within **thirty (30) days** from the date of delivery of this
summons and complaint or a judgment by default will be entered against you for the money or other things
demanded in the complaint. Your responses to the Interrogatories and Request for Production of Documents must
also be delivered within **forty five (45) days** from the date of service.

You must also file the original of your response with the Clerk of this Court within a reasonable time
afterward.

Issued under my hand and the seal of said Court, this the 14 day of January, 2019.



M. Shree
Circuit Clerk of Hinds County, Mississippi

Exhibit "A"

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DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Erika L. Nixon
2840 Robinson Street, Apt. 149
Jackson, Mississippi 39209

NOTICE TO DEFENDANT

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IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

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M. Green
Circuit Clerk of Hinds County, Mississippi

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COMPLAINT
JURY TRIAL REQUESTED

COMES NOW the Plaintiff, Stephen Deliefde, by and through his undersigned attorney, and brings this civil action to recover damages from the undersigned Defendants, and for his cause of action would show unto the Court the following, to-wit:

I.

Plaintiff, Stephen Deliefde, is a bona fide adult resident citizen of Port Orange, Florida.

II.

Defendant, Erika L. Nixon is an adult resident citizen of Jackson, Hinds County, Mississippi and may be served with process at 2840 Robinson Street, Apt. 149, Jackson, Hinds County, Mississippi 39209. At all times relevant hereto, Defendant Nixon operated, managed, was responsible for, and obtained financial benefit for operating and managing the subject Greyhound bus while doing business in Mississippi. Defendant Nixon is being sued individually and as the employee and/or agent of Defendant Greyhound Lines, Inc. Defendant Nixon was in the course and scope of her employment with Defendant Greyhound Lines, Inc. at all times relevant hereto, including

the time of the subject collision.

III.

Defendant Greyhound Lines, Incorporated (hereinafter "Greyhound") is a Delaware corporation doing business in Mississippi with its principle place of business located at 15110 N. Dallas Parkway, Dallas, Texas 75248. At all times relevant hereto, Greyhound owned, managed, leased, operated, supervised, maintained, was responsible for and obtained financial benefit from the subject vehicle doing business in Mississippi.

IV.

Defendant John Does 1-10 include those persons or entities unknown to the Plaintiff at this time that were involved in the control, ownership, management, leasing, operation, supervision, training, maintenance, inspection, repair of the subject vehicle and obtained financial benefit from the Defendants and subject vehicle' s operation in Mississippi, as well as other persons or entities unknown to the Plaintiff that were involved in or contributed to the negligent and reckless acts of Erika Nixon and Greyhound.

V.

This Court has jurisdiction over the subject matter, and over the parties, and it is the proper venue as the motor vehicle accident at issue occurred in the First Judicial District of Hinds County, Mississippi and one or more of the Defendants resides in the First Judicial District of Hinds County, Mississippi.

FACTS

VI.

On or about January 2, 2019, Plaintiff Stephen Deliefde was a fare-paying passenger on a Greyhound Bus owned and operated by Defendant Greyhound and operated by Defendant Erika L. Nixon. As the Greyhound Bus was traveling on Pascagoula Street in Jackson, Hinds County, Mississippi approaching the entry ramp to southbound Interstate 55, the bus suddenly and without warning overturned and crashed, eventually ending up on its left side in a grassy area adjacent to the on-ramp and Pascagoula Street. As a result of said crash, Plaintiff Stephen Deliefde suffered severe injuries that required surgical intervention.

COUNT I- NEGLIGENCE OF DEFENDANTS

VII.

The paragraphs numbered I through VI, above, are incorporated herein by reference as if recopied in full herein.

VIII.

Defendants were negligent in the operation of the subject motor vehicle and said negligence proximately caused the Plaintiff's accident and injuries.

IX.

Defendants at said time, date, and place of collision, were guilty of negligent acts and/or omissions which were the direct and/or proximate cause of the results of said accident and the resulting injuries and damages to the Plaintiff, in one or more of the following ways to wit:

- a. failure to keep a proper lookout;

- b. failure to keep the subject vehicle under reasonable and proper control;
- c. Reckless, willful or wanton disregard for the safety of persons or property in violation of Miss. Code Ann. § 63-3-1201;
- d. negligence per se by violating local ordinances and state law, regarding the operation of motor vehicles in the area;
- e. Speeding or traveling at a speed unreasonable for the existing conditions;
- f. Operating the subject vehicle under the influence of alcohol and/or illegal drugs and other substances;
- g. operating said vehicle in such an unsafe manner as to cause injury to the Plaintiff;
- h. failure to do other reasonable acts necessary to prevent said accident;
- i. failure as a common carrier of passengers for hire to exercise the highest degree of care and diligence for the safety of its passengers.

X.

As a direct and proximate result of the above mentioned negligence of the Defendants, the Plaintiff, Stephen Deliefde, sustained bodily injuries and damages. Plaintiff's damages include, but are not limited to: bills for medical treatment, past and future; physical pain and suffering, past and future; mental and emotional distress, past and future; lost wages, and loss of enjoyment of life.

COUNT II- NEGLIGENT SUPERVISION AND TRAINING

XI.

The paragraphs numbered I through X, above, are incorporated herein by reference as if

recopied in full herein.

XII.

Defendant Greyhound owed a duty to properly supervise and/or train all employees, including but not limited to properly supervising Defendant Erika Nixon and any other Greyhound employees to observe whether said employees were performing their duties while under the influence of alcohol, drugs, or other prohibited substances, and whether said drivers were operating their vehicles in accordance with applicable laws and/or company regulations.

XIII.

Defendant Greyhound breached said duty by failing to properly supervise Defendant Erika Nixon as to determining whether Nixon was physically able to operate a motor vehicle, or whether Defendant Nixon was too impaired to drive the vehicle on January 2, 2019. Defendant Greyhound further breached its duty to train its other employees located at the Jackson, Mississippi terminal in observing whether Nixon or any other Greyhound driver is too impaired to operate a bus and in failing to implement proper reporting protocols to prevent an impaired driver from operating a Greyhound bus.

XIV.

Defendant Greyhound's breach of their duty was the direct and proximate cause of the harm suffered by the Plaintiff, and but for the negligent conduct of Defendant and its employees the harm suffered by the Plaintiff would have been avoided.

COUNT III- RESPONDEAT SUPERIOR

XV.

The paragraphs numbered I through XIV, above, are incorporated herein by reference as if recopied in full herein.

XVI.

At all relevant times herein, Defendant Nixon and other yet to be identified employees of Defendant Greyhound were employees and/or agents of Defendant Greyhound and were acting in the course and scope of their duties as an employee and/or agent of Defendant Greyhound and were acting for the financial benefit of Defendant Greyhound.

XVII.

Based on the facts and circumstances then and there existing, Defendant Greyhound is vicariously liable for the negligent conduct of Defendant Nixon and all other employees and/or agents of Defendant Greyhound which proximately caused the Plaintiff's injuries.

DAMAGES

XVIII.

Based on the foregoing, Plaintiff requests an award of damages as follows:

- (a) Past, present and future medical bills;
- (b) Past, present and future physical pain and suffering;
- (c) Past, present and future mental and emotional distress;
- (d) Lost wages and/or loss of earning capacity;
- (e) Loss of enjoyment of life;
- (f) Pre-judgment interest
- (g) Post-judgment interest

- (h) Punitive damages;
- (i) Consequential damages including but not limited to expenses for food and lodging after the accident that Defendant Greyhound refused to provide;
- (j) Loss of personal property;
- (k) All other damages allowed under Mississippi law

PUNITIVE DAMAGES

The Plaintiff would state herein that the acts of the Defendants were so grossly negligent, careless, reckless, willful and wanton that their conduct gives rise to punitive damages and therefore the Plaintiff would specifically request the award of punitive damages.

WHEREFORE, Plaintiff brings this Complaint to recover actual, compensatory and punitive damages from the Defendants, and the Plaintiff demands judgment against the Defendant in an amount to be determined by a jury at the trial of this cause, together with interest thereon at the legal rate, together with all costs of the Court.

Respectfully submitted,

STEPHEN DELIEFDE, PLAINTIFF

BY: 

SETH C. LITTLE (MSB # 102890)

Attorney for Plaintiff

OF COUNSEL:

Schwartz & Associates, P.A.
162 East Amite Street (39201)
PO Box 3949
Jackson, MS 39207-3949
Phone: 601-353-1215

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FIRST JUDICIAL DISTRICT

STEPHEN DELIEFDE

PLAINTIFF

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CIVIL ACTION NO.: 2019-00030-TTG

GREYHOUND LINES, INC.; ET AL.

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI

TO: JPD Department of Records
c/o Jackson City Hall
219 South President Street
Jackson, MS 39201

YOU ARE HEREBY COMMANDED to produce, pursuant to Rule 45 of the Mississippi Rules of Civil Procedure, true and correct copies of the following documents and things at the law offices of Richard Schwartz & Associates, 162 E. Amite Street, Jackson, Mississippi 39201, (601) 974-8682, within ten days from the receipt of this Subpoena, the following:

A copy of any video footage in your custody, possession or control pertaining to the Greyhound bus accident on January 2, 2019 (Case No. 2019-1002) and the subsequent arrest of Erika Nixon for driving under the influence on January 2, 2019, including but not limited to any and all video footage of any field sobriety testing or breathalyzer tests performed on Erika Nixon.

This Subpoena is solely for the production of documentary evidence and not for the attendance of any person to give testimony at the time and place specified herein. Mailing such documents is sufficient.

Herein you shall not fail under penalty in such case provided and have there and then this writ.

WITNESS MY SIGNATURE AND SEAL OF OFFICE, this the 11 day of February, 2019.



ZACK WALLACE, CIRCUIT CLERK
P.O. BOX 327, JACKSON, MS 39205

OF COUNSEL:

Schwartz & Associates, P.A.
162 East Amite Street (39071)
P.O. Box 3949
Jackson, Mississippi 39207
Telephone: 601.988.8888
Facsimile: 601.353.0217

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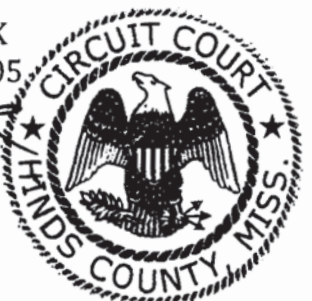
A copy of any and all police reports, results of any and all sobriety tests including but not limited to breathalyzer tests, blood tests, and/or urine tests and related documentation regarding the arrest of Erika L. Nixon on January 2, 2019.

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